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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,645	08/25/2003	Christopher C. Brown	1009.13	2529

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EXAMINER

GREIMEL, JOCELYN

ART UNIT PAPER NUMBER

3693

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,645

Applicant(s)

BROWN ET AL.

Examiner

Jocelyn W. Greimel

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08/25/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's application filed August 28, 2003 which is a divisional of application 09/471,879 filed December 23, 1999 (now US Patent No. 6,622,131). Claims 1-28 are being examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Tengel et al (US Patent No. 5,940,812, hereinafter Tengel).** In reference to claim 1, Tengel discloses a system comprising a computing device for: receiving first information about a customer (col.2, lines 25-51; col. 6, lines 14-45); with first and second loan sources, determining and outputting second information enabling the first and second loan sources to determine whether to offer a loan to the customer for financing an item (col. 2, lines 25-51; col. 7-8; col. 9, lines 1-43); from the first and second loan sources, receiving submissions of respective first and second offers for providing the loan to the customer for financing the item, wherein the first and second offers are submitted by the first and second loan sources in response to the second information and in a manner

Art Unit: 3624

that commits to provide the loan if accepted by the customer (col. 2, lines 45-51; col. 9 – 10); identifying at least one of the first and second offers as being most favorable (col. 9, lines 32-65); and to the customer, outputting third information about the identity of at least one of the loan sources that submitted the identified offer (col. 9, lines 32-65).

4. In reference to claims 2-5, Tengel discloses: the first information including information about the item, wherein the second information includes the information about the item; wherein the item is an automobile; wherein the item is security for the loan; and wherein the financing is a refinancing (col. 5, lines 20-28; col. 12, lines 1-16).

5. In reference to claims 6 and 7, Tengel discloses a system wherein the first and second offers are submitted by the first and second loan sources in a manner that commits to provide the loan if accepted by the customer, and if the second information is consistent with a review of the underlying evidence thereof (col. 8, lines 50-67; col. 9, lines 1-11; col. 10, lines 1-33).

6. In reference to claim 8 and 9, Tengel discloses a system wherein the first information includes an identity of the customer, and wherein the computing device is for: to at least the first and second loan sources, outputting the second information yet withholding the customer's identity (col. 7, lines 20-67).

Art Unit: 3624

7. In reference to claim 10, Tengel discloses: a system wherein in response to the first information, determining fourth information regarding the customer's ability to repay the loan, wherein the second information includes the fourth information (col. 10, line 20-56).

In reference to claim 11, Tengel discloses a system wherein the computing device is for: in request to the first information, outputting at least one request to a credit bureau; from the credit bureau, receiving at least one reply to the request; and in response to the reply, determining the fourth information (col. 8, lines 50-67; col. 9, lines 1-11; col. 10, lines 1-33).

8. In reference to claim 12, Tengel discloses a system wherein the fourth information includes a measure of certainty regarding the customer's ability to repay the loan (col. 10, lines 20-56).

9. In reference to claims 13-15, Tengel discloses a system wherein the computing device is for: in response to the first information, determining a measure of certainty regarding the customer's identity in comparison to the first information (col. 8, lines 50-67; col. 9, lines 1-65); to at least the first and second loan sources, outputting the second information about the customer only if the measure of certainty regarding the customer's identity is higher than a predetermined threshold (col. 9, lines 11-65); and in response to the first information, outputting at least one first request to a credit bureau,

Art Unit: 3624

from the credit bureau, receiving at least one first reply to the first request, in response to the first reply, determining at least one second request, outputting the second request to the customer in order to authenticate the customer's identity in comparison to the first information, from the customer, receiving at least one second reply to the second request, and in response to the second reply, determining the measure of certainty regarding the customer's identity in comparison to the first information (col. 8, lines 28-67; col. 9, lines 1-67; col. 10, lines 1-19).

10. In reference to claim 16, Tengel discloses: receiving first information about a customer, wherein the first information includes an identity of the customer (col.2, lines 25-51; col. 6, lines 14-45) in response to the first information, determining second information regarding the customer's ability to repay the loan (col. 2, lines 25-51; col. 7-8; col. 9, lines 1-43); to at least one source, outputting third information enabling the loan source to determine whether to offer the loan to the customer for financing an item, wherein the third information includes at least a portion of the first information and the second information, yet withholding the customer's identity (col. 3, lines 28-44; col. 6, lines 42-61); from the loan source, receiving a submission of an offer for providing the loan to the customer for financing the item, wherein the offer is submitted by the loan source in response to the third information and in a manner that commits to provide the loan if accepted by the customer (col. 8, lines 50-67; col. 9, lines 1-11; col. 10, lines 1-33); and to the customer, outputting fourth information about the offer, wherein the fourth information includes an identity of the loan source (col. 10, lines 1-33).

Art Unit: 3624

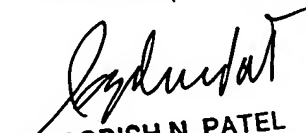
Additionally, claims 17-28 are disclosed by Tengel as presented in the discussion of claims 1-15 discussed above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JAGDISH N. PATEL
PRIMARY EXAMINER

Jocelyn Greimel
Examiner
July 5, 2006